IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8160 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NATVARBHAI CHHOTABHAI BARIA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8160 of 1990

MR SHAILESH C PARIKH for Petitioner No. 1

Mr. R.C. Kodekar, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 16/01/2004

ORAL JUDGEMENT

Heard learned advocate Mr. Parikh for the petitioner and Mr. Kodekar, learned AGP for the

respondents. In this petition, the petitioner has challenged the order of termination dated 16.11.1990 and the services of the petitioner were protected by this Court. Because of the interim orders passed by this Court, the petitioner was taken back in the service on 7.1.1991. The petitioner was a candidate selected by the Collector for the post of Clerk and was appointed initially in the year 1986 and he remained to continue in service upto the date of termination 16.11.1990 and thereafter, because of the protection and interim orders passed by this Court, he was taken back in service on 7.1.1991.

The short grievance raised by the learned advocate Mr. Parikh on behalf of the petitioner is to the effect that at the time when his services were terminated by way of order dated 16.11.1990, he was drawing the salary as per his basic pay of Rs.1010.00 but subsequently at the time when he was taken back in service on 7.1.1991, he was given the basic pay of Rs.950.00 in the clerical cadre.

Learned AGP Mr. Kodekar has submitted that one responsible officer from the office of the respondent is present before this Court with the service book of the petitioner. On the basis of the service book of the petitioner, it was made clear by Mr. Kodekar before this Court that at the time when his services were terminated, his basic pay was of Rs.1010.00 and at the time when the petitioner was reinstated in service by the respondents, he was receiving the salary in the basic pay of Rs.1010.00 and thus, his basic pay of Rs.1010.00 has been protected while reinstating him in service. He has also made a further statement that now, by passage of time, the petitioner has been promoted as a Deputy Mamlatdar and, therefore, now there is no question of terminating his services by acting upon the order dated 16.11.1990.

Considering the statement made by the learned AGP Mr. Kodekar, according to my opinion, this petition is required to be disposed of without passing any further orders. This petition is accordingly disposed of. Rule is discharged. There shall be no order as to costs.

(H.K. Rathod,J.)